

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4910 OF 2017

Dated:13.02.2017

Between:

Banavat Ramurthi Nail, S/o. Subbu Naik,
Aged about 40 years, Occ: Field Assistant
(NREGS), Jandla Gram Panchayat, Pileru
Mandal, Chittoor District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and
Rural Development Department, Andhra
Pradesh Secretariat Buildings, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioner is working as Field Assistant in the Mandal Parishad Development Office, Pileru Mandal, Chittoor District, the 5th respondent. On the ground that he did not achieve the target of 75% of performance parameters/labour budget, his contract was not renewed. Aggrieved thereby, the petitioner filed W.P.No.27688 of 2015. The said Writ Petition, along with a batch of Writ Petitions, was disposed of by order, dated 31.12.2015, wherein this Court directed constitution of a Three-Men Committee for evaluation of performance of Field Assistants during the relevant period after granting due opportunity to them. In the present case, though the petitioner filed his objections before the said Committee constituted in accordance with the directions of this Court, the Committee has not assigned any reasons as to why his objections are not valid and simply recommended as 'not achieved the target'.

3. When this matter is taken up for hearing, learned counsel for the petitioner and learned Special Standing Counsel representing the Project Director, District Water Management Corporation, submit that the subject matter of this Writ Petition is covered by the decision of this Court in W.P.No.41245 of 2016 and batch, dated 02.02.2017, wherein, this Court, on elaborate consideration of the issue, set aside the order passed by the

District Collector and remanded the matter to the stage of Three-Men Committee for fresh consideration of the issue.

4. In W.P.No.41245 of 2016 and batch, this Court held as under:

“19. As noted above, in all these writ petitions learned Special Standing counsel, representing the respondents fairly submits that reasons are not recorded by the three-man committee or the Committee has not answered the specific objection of the individuals and the final recommendation of the Committee is only “as not recommended”.

20. Having regard to the above findings, I am of the considered opinion that the exercise undertaken by the respondents in pursuant to the direction issued by this Court in W.P.No.27468 of 2015 and batch dated 31.12.2015 is not in accordance with the said directions and is in clear violation of the basic principles as to how a decision has to be taken by the competent authority, i.e., decision must be supported by reasons, more so, when it affects a person’s right to public employment. In the instant case, the decision of the Committee is affecting petitioners’ right to claim public employment or continuation of their service on contract basis with the 2nd respondent as Field Assistants and when such claim is affected, the decision must be supported by reasons. As noted above, the Collector has simply accepted the recommendations of the Committee and passed orders and the District Collector is not the competent authority.

21. Thus, the writ petitions are allowed. The matters are remitted to the stage of consideration by the three-man Committee. The Committee shall assign due reasons in support of its recommendation on each of the petitioners after consideration of the explanations already submitted and on due verification of the relevant records. It shall forward its recommendations to the Project Directors concerned. On consideration of such recommendations, the respective Project Directors shall pass orders as required in each of the cases. The entire exercise shall be completed within a period of 30 days from the date of receipt of copy of this order.

22. Since the matters are remitted to the stage of consideration of three-man committee constituted as directed by this Court in Para No.111 in W.P.No.27468 of 2015 and batch dated 31.12.2015, as directed in Para 112, till the decision is made in accordance with the directions issued in these batch of writ petitions, no further appointments shall be made at the places earlier occupied by petitioners. There shall be no order as to costs.”

5. Following the said decision and the reasons assigned therein, this Writ Petition is also allowed and the matter is remitted to the stage of consideration of the issue by the Three-Men Committee appointed pursuant to the directions issued

by this Court in W.P.No.27468 of 2015 and batch. The respondents are directed to follow the directions in W.P.No.41245 of 2016 and batch, as extracted above. Till a decision is made, no further appointment may be made in the place earlier occupied by petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:13.02.2017

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